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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,878	10/29/2003	Shozo Katsuki	740709-510	4093
22204	7590	03/20/2006	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			LAVILLA, MICHAEL E	
			ART UNIT	PAPER NUMBER
			1775	

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/694,878

Applicant(s)

KATSUKI ET AL.

Examiner

Michael La Villa

Art Unit

1775

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-10, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 and 12 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 10 and 12 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Regarding Claims 10 and 12, by permitting zero protrusions, it would appear that these claims may not be further limiting of the subject matter of independent Claim 1, which requires at least one protrusion.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
3. A person shall be entitled to a patent unless –
4. (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
5. Claims 1, 3-10, 12, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi USPN 6,838,184 for the reasons of record in the Office Action mailed on 14 July 2005.

***Allowable Subject Matter***

6. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. None of the reviewed prior art teaches or suggests the subject matter of Claim 2. Particularly, there is no teaching or suggestion of a continuous laminate having the claimed widths and degree of thickness uniformity.

***Response to Amendment***

8. The objections to the drawings in the Office Action mailed on 14 July 2005 are withdrawn in view of the submitted Replacement Sheets of 12 December 2005.
9. In view of applicant's amendments and arguments, applicant traverses the section 102 and 103 rejections over Yamamoto of the Office Action mailed on 14 July 2005. Rejection is withdrawn.
10. In view of applicant's amendments and arguments, applicant traverses the section 102 rejection over Takahashi of the Office Action mailed on 14 July 2005. For the reasons discussed below, Takahashi has not been demonstrated to be unavailable prior art. The rejection is maintained.
11. In view of applicant's amendments and arguments, applicant traverses the section 102 rejection over Katsuki '438 of the Office Action mailed on 14 July 2005. In view of applicant's amendments and arguments, applicant traverses the section 102 rejection over Katsuki '487 of the Office Action mailed on 14 July 2005. Rejections are withdrawn since these references do not explicitly teach

the protrusion structure as now claimed with respect to protrusions on the electrolytically plated copper film.

12. Applicant has filed a Declaration under 37 CFR 1.132 by Inventor Katsuki on 12 December 2005. The declaration has been considered for the purpose of whether it establishes that Takahashi USPN 6,838,184 is not available prior art under 35 USC 102(e). If the disclosure in Takahashi is "by another," then Takahashi is available prior art under 35 USC 102(e). Absent evidence to the contrary, the inventive entity of each of the pending claims in a patent application is presumed to be all named inventors. In this application, therefore, the inventive entity of each pending claim is presumed to be Inventor Katsuki and Inventor Shimokawa. The Declaration by Inventor Katsuki appears to explain that all claimed subject matter that is disclosed in Takahashi USPN 6,838,184 was invented by him alone. Therefore, the relied upon subject matter in Takahashi can be appropriately deemed "by another" since the inventive entity of the claims in this application, i.e., Inventors Katsuki and Shimokawa, is different from the inventive entity of the disclosed subject matter in Takahashi, i.e., Inventor Katsuki. In this circumstance, Takahashi USPN 6,838,184 is available prior art, and so rejection is appropriate. Mere conclusions by Inventor Katsuki about whether Takahashi USPN 6,838,184 is "by another" with respect to 35 USC 102(e) are not persuasive.


***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
14. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael La Villa whose telephone number is (571) 272-1539. The examiner can normally be reached on Monday through Friday.
16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer McNeil can be reached on (571) 272-1540. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael La Villa  
13 March 2006

  
**MICHAEL E. LAVILLA PH.D.**  
**PRIMARY EXAMINER**